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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,337	01/03/2006	Siegried Koepfen	20811/0204741-US0	8841
7278	7590	02/18/2009	EXAMINER	
DARBY & DARBY P.C.			SU, SARAH	
P.O. BOX 770			ART UNIT	
Church Street Station			PAPER NUMBER	
New York, NY 10008-0770			2431	
			MAIL DATE	DELIVERY MODE
			02/18/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,337	<b>Applicant(s)</b> KOEPPEN ET AL.	
	<b>Examiner</b> Sarah Su	<b>Art Unit</b> 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-16 is/are rejected.
- 7) ☒ Claim(s) 2 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **FINAL ACTION**

1. Amendment A, received on 19 December 2008, has been entered into record. In this amendment, claims 2, 5, 8, 11, and 13-16 have been amended.
2. Claims 2-16 are presented for examination.

### ***Response to Arguments***

3. With regard to the objections of the specification and drawings, the applicant has submitted amendments, and the examiner hereby withdraws the objections.
4. Applicant's arguments filed 19 December 2008 have been fully considered but they are not persuasive.

Applicant's arguments with regard to the structure of claim 2 do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

As to claim 2, it is argued by the applicant that de Jong does not disclose functional lockers each require references to files of a user stored only by that user, and which user has access to the stored references therein that is different dependent on the type of functional locker. The examiner respectfully disagrees. De Jong discloses that content is provided by a content producer (i.e. first user) (0175, lines 1-4) and that a URL (i.e. reference) with indicators specifies the digital content (0110, lines 1-6). It is

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noted that the applicant claims the functional locker providing *at least one* of the cited functions.

### ***Claim Objections***

5. Claims 2 and 13 are objected to because of the following informalities:
  - a. In claim 2, line 24: "a second file" is unclear if it relates to "a second file" (claim 2, line 15);
  - b. In claim 13, line 21: "a other user" is unclear. The examiner suggests the applicant amend this phrase to "a different user" or the like.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Jong et al. (US 2004/0054750 A1 and de Jong hereinafter) and in view of Challenger (US 2003/0174842 A1).

As to claim 2, de Jong discloses a system and method for digital content access control, the system and method having:

**accessing the server over an internet (0081, lines 16-17);**

**sending, by the server (i.e. provisioner), a client program (i.e. tokens) to a first local computer of the first user, the client program enabling an authentication of the first user using the user certificate and a transmission of at least one further security requirement (0127, lines 1-3, 5-10);**

**setting up a personal main folder (i.e. content repository) on the server for the first user, the main folder having a first special file (i.e. content rights database) including a first security requirement defined for the main folder and first management information so as to provide a main locker (0098, lines 4-9; 0099, lines 4-7);**

**configuring the personal main folder to have at least one further folder (i.e. content associated with request) set up therein, the at least one further folder having a function and a second file including a second security requirement (i.e. token) defined for the at least one further folder and including second management information so as to provide a functional locker (0098, lines 9-14; 0099, lines 4-13, 16-19);**

**displaying the functional locker only if at least one security-relevant requirement is met so as to provide a locker system having a virtual character, wherein the functional locker provides a function of at least one of (0102, lines 25-32):**

**a personal locker, wherein a reference to first files of the first user is storable in the personal locker only by the first user and displayable only to the first user;**

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**a provisioning locker, wherein a first reference (i.e. URL) to a second file for another user being storable by the first user (i.e. content producer) therein (0109, lines 2-3; 0110, lines 1-6; 0175, lines 1-4);**

**a receiving locker, wherein a third file of a sender user of the users is storable therein only by the second user, the receiving locker being configured, when opened, to provide to the first user a sender user reference relating to the storage of the third file and to a sender user defined security requirement.**

De Jong does not disclose:

**upon request, issuing, by an operator of the server, to a first user of the users a user certificate for access conditions, and providing the user certificate and a secret key to the first user.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by de Jong, as evidenced by Challenger.

Challenger discloses a system and method for managing private keys, the system and method having:

**issuing, upon request by an operator of the server (i.e. CA), to a first user of the users a user certificate for access conditions (0005, lines 1-7);  
providing the user certificate and a secret key to the first user (0005, lines 1-7).**

Given the teaching of Challenger, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of

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modifying the teachings of de Jong with the teachings of Challener by providing a user with a certificate and key. Challener recites motivation by disclosing that using encryption is a well known method of providing security for communications between two computers in a network (0004, lines 7-8). It is obvious that the teachings of Challener would have improved the teachings of de Jong by providing for encryption in order to secure communications.

As to claim 3, de Jong does not disclose:

**wherein the certificate includes a public key.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by de Jong, as evidenced by Challener.

Challener discloses:

**wherein the certificate includes a public key (0005, lines 1-3).**

Given the teaching of Challener, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of de Jong with the teachings of Challener by using a public key in a certificate. Challener recites motivation by disclosing that using a public key in a certificate allows all parties to access the public key (0005, lines 5-6). It is obvious that the teachings of Challener would have improved the teachings of de Jong by using a certificate with a key in order to allow all parties to have access to the key.

As to claim 4, de Jong does not disclose:

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**providing a public key to the first user.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by de Jong, as evidenced by Challener.

Challener discloses:

**providing a public key to the first user (0005, lines 4-6).**

Given the teaching of Challener, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of de Jong with the teachings of Challener by providing a public key to a user. Please refer to the motivation recited above in respect to claim 2 as to why it is obvious to apply the teachings of Challener to the teachings of de Jong.

As to claim 5, de Jong does not disclose:

**wherein the providing the user certificate and the secret key to the first user is performed by providing the user certificate and the secret key on a smart card.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by de Jong, as evidenced by Challener.

Challener discloses:

**wherein the providing the user certificate and the secret key to the first user is performed by providing the user certificate and the secret key on a smart card (0008, lines 1-3).**



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Given the teaching of Challener, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of de Jong with the teachings of Challener by providing key information on a smart card. Challener recites motivation by disclosing that smart cards are small and can hold memory and logic (0008, lines 1-2). It is obvious that the teachings of Challener would have improved the teachings of de Jong by providing key information on a smart card in order to provide security using a small device.

As to claim 6, de Jong discloses:

**wherein the at least one further security requirement includes at least one of a biometric system requirement, a geographic positioning requirement, a time restriction, a network requirement, and a computer data requirement (0098, lines 19-22).**

As to claim 7, de Jong discloses:

**wherein the at least one further security requirement includes a time dependency (0164, lines 2-5).**

As to claim 8, de Jong discloses:

**wherein the at least one further security requirement is a requirement of at least one of the operator of the server, the first user, and**

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**the sender** (i.e. user of one or more users) **of the third file** (0098, lines 4-8, 19-22).

As to claim 9, de Jong discloses:

**wherein the provisioning locker has a name associated therewith**  
(0110, lines 1-6).

As to claim 10, de Jong discloses:

**wherein the provisioning locker includes a user locker for the**  
**another user** (Abstract, lines 9-10).

As to claim 13, de Jong discloses:

**wherein the first user and the second user are each registered with**  
**the server, and further comprising setting up a second personal main**  
**folder on the server for the second user registered with the server, the**  
**second main folder having a respective first special file including a**  
**respective first security requirement defined for the respective main folder**  
**and respective management information so as to provide a respective**  
**locker** (0098, lines 4-9; 0099, lines 4-7),

**configuring each respective main folder to have respective further**  
**folders set up therein, the respective further folders each having a**  
**respective function and each having a respective second file including a**

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**respective second security requirement defined for the respective further folders and including the respective management information, each of the further folders acting as a respective functional locker (0098, lines 9-14; 0099, lines 4-13, 16-19),**

**displaying each functional locker only if a respective security-relevant requirement is met, so as to provide a respective locker system having a virtual character (0102, lines 25-32), each functional locker providing a respective function of at least one of:**

**a respective personal locker, respective first files being storable in the respective personal locker only by the respective user and displayable only to the respective user;**

**a respective provisioning locker, wherein a respective first reference to a respective second file for a other user being storable by the respective user therein (0109, lines 2-3; 0110, lines 1-6; 0175, lines 1-4);**

**a respective receiving locker for a respective third file available to a respective sender user of the users, the respective receiving locker being configured, when opened, to provide to the respective user a respective sender user reference relating to the storage of the respective third file and to a respective sender user defined security requirement;**

**a respective public locker configured to store, by the first user, the first reference to the second file when the first reference is stored in the**

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**provisioning locker, if access to the first reference is offered to a plurality of other users.**

The examiner notes that the process of claim 13 uses the similar process of claim 2 to create a second instance. It would have been obvious to one of ordinary skill in the art at the time the invention was made to repeat the same process of claim 2 to create another instance of the folder because a mere duplication only involves routine skill in the art.

8. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Jong in view of Challener as applied to claim 2 above, and further in view of Perlman (US Patent 5,901,227).

As to claim 14, de Jong in view of Challener discloses:

**encrypting the data using the access key** (0004, lines 8-10);

**encrypting, by the server, the transmitted encrypted data a second time** (0032, lines 5-8; 0033, lines 8-10).

Given the teaching of Challener, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of de Jong with the teachings of Challener by encrypting data with a key. Please refer to the motivation recited above in respect to claim 2 as to why it is obvious to apply the teachings of Challener to the teachings of de Jong.

De Jong in view of Challener does not disclose:

**storing a fourth file in the functional locker only if the second security requirement is met;**

**generating a random number from data of the fourth file so as to provide an access key;**

**subsequently encrypting the access key with the public key and then destroying the access key so that the access key, for accessing the stored file, can only be recovered using the secret key;**

**receiving, at the server, the encrypted data, fourth management information of the fourth file, and the encrypted access key;**

**generating a unique file identifier for the fourth file;**

**storing the fourth file in a system locker using the file identifier;**

**storing a fourth reference to the fourth file in the functional locker, the fourth reference including the unique file identifier, the encrypted access key, and the fourth management information.**

Nonetheless, these features are well known in the art and would have been an obvious modification of the teachings disclosed by de Jong in view of Challener, as evidenced by Perlman.

Perlman discloses a system and method for implementing partial and complete optional key escrow, the system and method having:

**storing a fourth file in the functional locker only if the second security requirement (i.e. minimum fulfilled) is met (col. 5, lines 55-57; col. 6, lines 10-14);**

**generating a random number (i.e. nonce) from data of the fourth file so as to provide an access key** (col. 1, lines 29-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to derive a random number from data since it is known in the art that linking data content to encryption increases security.

**subsequently encrypting the access key with the public key and then destroying the access key so that the access key, for accessing the stored file, can only be recovered using the secret key** (col. 4, lines 44-45, 47-49);

**receiving, at the server, the encrypted data, fourth management information of the fourth file, and the encrypted access key** (col. 5, lines 29-36);

**generating a unique file identifier (i.e. UID) for the fourth file (i.e. escrow information)** (col. 6, lines 46-48);

**storing the fourth file in a system locker using the file identifier** (col. 5, lines 55-57; col. 6, lines 32-33);

**storing a fourth reference to the fourth file in the functional locker, the fourth reference including the unique file identifier, the encrypted access key, and the fourth management information** (col. 5, lines 31-36).

Given the teaching of Perlman, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of de Jong in view of Challener with the teachings of Perlman by transferring a hidden key and storing information. Perlman recites motivation by

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disclosing that encrypting keys ensures that the information is safe from an eavesdropper (col. 1, lines 43-45) and storing information using a pointer so that the information can be shared (col. 6, lines 19-22). It is obvious that the teachings of Perlman would have improved the teachings of de Jong in view of Challenger by transferring a hidden key and storing information so that the information can be protected while being shared.

As to claim 15, de Jong in view of Challenger discloses:

**wherein the functional locker is the provisioning locker including a user file (i.e. messages) for the other user (0024, lines 5-7), and further including the steps of: enabling the stored fourth file to be forwarded by the first user to the other user only if the first user decrypts the encrypted access key with the secret key and re-encrypts the decrypted access key with a second public key of the other user (0033, lines 4-10),**

**storing the re-encrypted access key, the file unique identifier and the fourth management information, as the fourth reference to the file into the user locker (0027, lines 11-14; 0033, lines 10-12).**

Given the teaching of Challenger, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of de Jong with the teachings of Challenger by re-encrypting the key and storing it with information. Challenger recites motivation by disclosing that encrypting the key assures an administrator that the information is sent only to an

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authorized client (0035, lines 10-12). It is obvious that the teachings of Challener would have improved the teachings of de Jong by storing a re-encrypted key in order to ensure the integrity of the key.

As to claim 16, de Jong in view of Challener does not disclose:

**wherein the second management information includes a management requirement, and wherein the storing the fourth file is performed only if the management requirement is met.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by de Jong in view of Challener, as evidenced by Perlman.

Perlman discloses:

**wherein the second management information includes a management requirement, and wherein the storing the fourth file (i.e. escrow information) is performed only if the management requirement is met (col. 5, lines 55-57; col. 6, lines 10-14).**

Given the teaching of Perlman, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of de Jong in view of Challener with the teachings of Perlman by storing information only if a requirement is met. Perlman recites motivation by disclosing that only information that follows certain requirements, such as the requirements of a government (col. 6, lines 13-14) can be used. It is obvious that the teachings of



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Perlman would have improved the teachings of de Jong in view of Challener by storing information if a condition is met in order to ensure compliance with regulations.

9. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Jong in view of Challener as applied to claim 2 above, and further in view of Winiger et al. (US 2004/0010715 A1 and Winiger hereinafter).

As to claim 11, de Jong in view of Challener does not disclose:

**wherein the receiving locker has a name associated with a sender of the third file.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by de Jong in view of Challener, as evidenced by Winiger.

Winiger discloses a system and method for specifying a repository for an authentication token, the system and method having:

**wherein the receiving locker has a name associated with a sender (i.e. user) of the third file (i.e. password) (0039, lines 7-8).**

Given the teaching of Winiger, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of de Jong in view of Challener with the teachings of Winiger by using a name associated with data. Winiger recites motivation by disclosing that the use of identification information such as a name enables a system to perform operations such as a password change (0039, lines 3-7). It is obvious that the teachings of Winiger

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would have improved the teachings of de Jong in view of Challener by associating a name with data in order to provide for operations such as password changes.

As to claim 12, de Jong in view of Challener does not disclose:

**wherein the receiving locker includes a user locker for the sender user.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by de Jong in view of Challener, as evidenced by Winiger.

Winiger discloses:

**wherein the receiving locker includes a user locker (i.e. storage of password in repository) for the sender user (0030, lines 3-4).**

Given the teaching of Winiger, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of de Jong in view of Challener with the teachings of Winiger by providing for a locker for a user. Winiger recites motivation by disclosing that storing a token with which to compare inputted information allows for authentication (0004, lines 7-13). It is obvious that the teachings of Winiger would have improved the teachings of de Jong in view of Challener by providing a locker for a user in which to store data so that the information can be used for authentication.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Su whose telephone number is (571) 270-3835. The examiner can normally be reached on Monday through Friday 7:30AM-5:00PM EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Sarah Su/  
Examiner, Art Unit 2431

/Christopher A. Revak/  
Primary Examiner, Art Unit 2431